

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

In Re.

CARLOS KINKEADE,
Plaintiff.

Case No. [16-cv-01838-LB](#)

ORDER OF DISMISSAL
[Re: ECF No. 1]

This action was opened on April 8, 2016, when the court received from Carlos Kinkeade a letter discussing his medical care at the California Health Care Facility in Stockton, California, where he was incarcerated. On that date, the court notified Mr. Kinkeade in writing that his action was deficient in that he had not attached a complaint and had not filed an *in forma pauperis* application. The court further notified him that this action would be dismissed if he did not submit a complaint and *in forma pauperis* application within 28 days. Mr. Kinkeade then filed a consent to proceed before a magistrate judge, but did not file a complaint or an *in forma pauperis* application. He sent a letter on April 29, 2016, that states he filed an action in the Eastern District of California and did not intend to file a new action in this district. This action is DISMISSED without prejudice because Mr. Kinkeade failed to file a complaint or other pleading showing the court has jurisdiction over this action and the action appears to have been opened in error. As he

1 did not intend to file a new action in this district, no filing fee is due. The clerk shall close the file.

2 **IT IS SO ORDERED.**

3 Dated: July 5, 2016

A handwritten signature in black ink, appearing to read 'LBC', is written over a horizontal line.

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5 LAUREL BEELER
United States Magistrate Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KINKEADE,

Plaintiff,

v.

,

Defendant.

Case No. 3:16-cv-01838-LB

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 5, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carlos Kinkeade ID: D-94340
California Health Care Facility D3B 108
PO Box 32080
Stockton, CA 95213

Dated: July 5, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Lashanda Scott, Deputy Clerk to the
Honorable LAUREL BEELER